

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED-CLERK
U.S. DISTRICT COURT
AUG 10 PM 4:42
TEXAS-EASTERN

**David E Mack
Plaintiff**

vs

**Palisades Collection, LLC et al
Defendants**

BY _____

Civil Action 4:11CV343

**Motion to Quash Answer
and Affirmative Defenses**

MOTION TO QUASH ANSWER AND AFFIRMATIVE DEFENSES

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff David E Mack files this Motion to Quash the Answer and Affirmative Defenses of Defendant Palisades Collection, LLC and in support thereof would show the Court as follows:

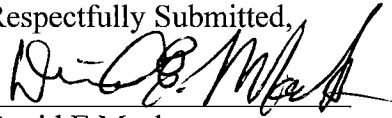
1. The Defendant Palisades Collection, LLC was served according to the Local Rules of Civil Procedure 5(e).
2. Palisades Collections, LLC was served by Certified mail under the local rules of the Court by the United States Marshals Service and received service upon information and belief on June 24, 2011. The exact date of service is not verified by affidavit at this time due to the United States Marshals Service not yet having returned the affidavit of service to the Court as verification of service on that date.
3. Under rule 12(A) of the Federal Rules of Civil Procedure the Defendant has 20 days to respond not counting the day of service. As such, the Defendant Palisades Collection, LLC had until July 14, 2011 to reply/answer the complaint. The Defendant Palisades Collection,

LLC did not respond until July 22, 2011 which is 8 days past their obligation to respond under the Federal Rules of Civil Procedure.

4. Due to the Defendant Palisades Collection, LLC's lack of response according to the Rules, their Answer and Affirmative Defenses are Moot upon their face and should be Quashed as the answer was not filed in a timely manner under the Federal Rules of Civil Procedure.

WHEREFORE, the Plaintiff moves this Court to Quash the Answer and Affirmative Defenses of Defendant Palisades Collection, LLC and allow the Plaintiff to move forward with a Clerk's Default and Default Judgment for damages requested in Plaintiff's Amended Complaint when verified service is provided to the court by the United States Marshals Service.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David E. Mack", written over a horizontal line.

David E Mack
7720 McCallum Blvd. #2099
Dallas, Texas 75252
972-735-9642

CERTIFICATE OF SERVICE


This is to certify that a true and correct copy of the document above was sent to all parties listed below by USPS first class mail.

Michael J. Scott
1120 Metrocrest Drive, Suite 100
Carrollton, Texas 75006

MICHAEL J. SCOTT, P.C.
1120 Metrocrest Drive, Suite 100
Carrollton, Texas 75006

Jessica A. Hawkins, Esq.
Sessions, Fishman, Nathan & Israel, LLC
900 Jackson Street Suite 400
Dallas, Texas 75202

Dated August 10, 2011


David E Mack